

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMES LYNCH

13 CV 6198

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

POLICE COMM. RAYMOND KELLY;  
POLICE OFFICER WHITE MALE JOHN  
DOE #1, 77 PCT; POLICE OFFICER  
BLACK MALE JOHN DOE #2, 77 PCT;  
BLACK MALE POLICE OFFICER, JOHN DOE  
#3, 77 PCT; POLICE OFFICER BLACK MALE,  
JOHN DOE #4, 77 PCT; POLICE OFFICER,  
BLACK MALE, JOHN DOE #5, 77 PCT;  
ASSISTANT DISTRICT ATTORNEY, KINGS  
COUNTY CRIMINAL COURT JOHN DOE #6.

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

**COMPLAINT**

under the  
Civil Rights Act, 42 U.S.C. § 1983  
(Prisoner Complaint)

Jury Trial:  Yes  No  
(check one)

**P** Parties in this complaint:

**A** List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

JAMES LYNCH

Name \_\_\_\_\_

ID # 4411211717

Current Institution A.M.C.

Address 18-18 HAZEN ST.

EAST ELMHURST N.Y. 11370

**B.** List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name POLICE COMM. RAYMOND KELLY Shield # \_\_\_\_\_

Where Currently Employed POLICE HEADQUARTERS

Address ONE POLICE PLAZA

NEW YORK, N.Y. 10007

Defendant No. 2 Name POLICE OFFICER WHITE MASLE JOHN DOE #1 Shield # \_\_\_\_\_  
Where Currently Employed 77TH PRECINCT  
Address 127 UTICA AVENUE  
BROOKLYN, N.Y. 11227

Defendant No. 3 Name POLICE OFFICER BLACK MALE JOHN DOE #2 Shield # \_\_\_\_\_  
Where Currently Employed 77TH PRECINCT  
Address 127 UTICA AVENUE  
BROOKLYN, N.Y. 11227

Defendant No. 4 Name POLICE OFFICER BLACK MALE JOHN DOE #3 Shield # \_\_\_\_\_  
Where Currently Employed 77TH PRECINCT  
Address 127 UTICA AVENUE  
BROOKLYN, N.Y. 11227

Defendant No. 5 Name POLICE OFFICER BLACK MALE JOHN DOE #4 Shield # \_\_\_\_\_  
Where Currently Employed 77TH PRECINCT  
Address 127 UTICA AVENUE  
BROOKLYN, N.Y. 11227

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?  
NOT APPLICABLE

B. Where in the institution did the events giving rise to your claim(s) occur?  
NOT APPLICABLE

C. What date and approximate time did the events giving rise to your claim(s) occur?  
AROUND MARCH 14 TO 15, 2012 AT APPROXIMATELY 1:00 P.M.

D. Facts: BETWEEN MARCH 14, TO 16, 2012 AT APPROXIMATELY 1:00 P.M. COMING BACK FROM MY METODONE PROGRAM ST. VINCENT'S PROGRAM, I WAS STOPPED BY DEFENDANT, WHITE MALE POLICE OFFICER JOHN DOE #1, AND THE OTHER FOUR BLACK JOHN DOE POLICE OFFICERS OF THE 77TH PRECINCT, WITHOUT PROBABLE CAUSE, BUT FOR THE SOLE PURPOSE TO HARASS, AND UNLAWFULLY IMPRISON. THEY REMOVED MY NAPSNACK OFF OF MY BACK WHERE I KEPT MY METHODONE BOTTLES, AND PONITED OUT AN OUTDATED BOTTLE BY AT LEAST THREE(3) YEARS, AND DEFENDANT WHITE MALE POLICE OFFICER JOHN DOE #1 STATED IN SUBSTANCE " I AM GOING TO LOCK YOU UP FOR THIS BOTTLE" EVEN THOUGH IT HAD MY NAME ON IT, AND I CLEARLY EXPLAINED TO ALL THE DEFENDANT JOHN DOE POLICE OFFICERS THAT I HAD JUST RETURNED FROM MY METHODONE PROGRAM, AND THAT I WAS LEGALLY CERTIFIED TO OBTAIN, AND CARRY SAID METHODONE BOTTLES. WITHOUT WARNING AND/OR GIVING ME MY MIRANDA RIGHTS I WAS CUFFED UNLAWFULLY DETAINED, AND TAKEN TO THE 77TH BRECINCT WHERE I WAS UNLAWFULLY DETAINED IN A HOLDING CELL THAT REEKED OF URINE, FECES FOR THE NEXT THIRTY-SIX(36) HOURS, WITHOUT ANYTHING TO EAT, AND/OR DRINK. I REQUESTED A LAWYER, WHICH WAS DENIED AFTER SEVERAL REQUESTS, THUS VIOLATING MY DUE PROCESS RIGHTS 14TH RIGHT TO COUNSEL. I WAS KEPT IN THAT RAUNCHY CELL IN A MALICIOUS, AND SADISTIC MANNER BY ALL THE POLICE OFFICER DEFENDANTS.

### III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. LOSS OF FREEDOM, NAME SLANDERED, AND REPUTATION

IN THE COMMUNITY AS A LAW ABIDING CITIZEN, FEAR OF FUTURE RETALIATION BY ANY NYPD OFFICER THROUGHOUT THE FIVE(5) BOROUGHHS. NIGHTMARES, COLD SWEATS, ANXIETY ATTACKS, EMOTIONALLY SCARRED LOSS OF WAGES, FEAR OF HAVING SEIZURES WHILE IN CUSTODY OF THE DEFENDANTS, WHO DENIED PLAINTIFF ACCESS TO MEDICAL STAFF, BECAUSE HE WAS WITHOUT HIS SEIZURE MEDIATION.

### IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?  
 XX  
 Yes  No

THE FOLLOWING DAY, I WAS TAKEN TO KINGS COUNTY CRIMINAL COURT, WHERE AFTER BEING FALSELY ACCUSED, I WAS DETAINED, AND MALICIOUSLY PROSECUTED BY THE DEFENDANT ASSISTANT DISTRICT ATTORNEY JOHN DOE #5. IT WAS THE N RELEASED ON MY OWN RECOGNANCE, AND SUBSEQUENTLY THE CASE FOR THE ALLEGED FALSE ARREST WAS DISMISSED, WHEN THE JUSTICE OF THE KINGS COUNTY CRIMINAL COURT DISMISSED THE MATTER, BECAUSE HE LEARNED AS I CLEARLY EXPLAINED TO THE POLICE OFFICERS DEFENDANTS THAT I WAS, IN FACT, AUTHORIZED TO HAVE AND POSSESS THAT PARTICULAR METHADONE BOTTLE THAT THEY FALSELY ACCUSED ME OF HAVING RESIDUE IN VIOLATING MY FOURTH, EIGHTH, AND FOURTEENTH AMENMENTS RIGHTS, GUARANTEED BY THE UNITED STATES CONSTITUTION OF THE UNITED STATES, WITH NO PROBABLE CAUSE TO ARREST, UNLAWFUL IMPRISONMENT, SUBJECTED TO CRUEL, AND UNUSUAL PUNISHMENT BY HOLDING ME IN A CELL WITH SQUALID LIVING CONDITIONS THAT VIOLATE THE MINIMUM STANDARDS OF THE BOARD OF CORRECTIONS IN GIVING ALL DETAINEES IN THEIR CARE, CUSTODY, AND CONTROL REASONABLE ASSURANCE OF CARE THAT DOES NOT RISE TO THE LEVEL OF TORTURE AND IMPLICATE NEGATIVE VALUES OF HUMAN RIGHTS, AND CAUSE TO DISCRIMINATE AGAINST ME, BECAUSE OF THE COLOR OF HIS SKIN, WHICH WAS THE SOLE PURPOSE OF HIS ARREST. DEFENDANT POLICE COMMISSIONER DEFENDANT RAYMOND KELLY IS LIABLE IN THAT BEING RESPONSIBLE FOR THE ACTS OF HIS SUBORDINATES, FAILED TO EITHER TEACH, AND/OR TRAIN THE POLICE OFFICERS DEFENDANTS HOW TO GATHER EVIDENCE, AND MAKE ARRESTS THAT IN FACT ARE OUTSIDE THE SCOPE OF THE CONSTITUTION THAT GIVES RISE TO A CITIZENS LIBERTY INTEREST, WITH THE HIGHEST STANDARDS OF INTEGRITY. FINALLY, PLAINTIFF WAS DENIED MEDICAL ATTENTION FOR HIS SEIZURE CONDITION, WHILE IN CUSTODY OF THE DEFENDANTS OF THE 77TH PRECINCT, JEOPARDIZING HIS HEALTH AS WELL, AND BEING DELIBERATE INDIFFERENT TO A SERIOUS MEDICAL NEED, WHICH PUT HIS LIFE AT RISK, AND IN DANGER WHICH COULD HAVE ESSENTIALLY LEAD TO DEATH.

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s). 77TH PRECINCT, KINGS COUNTY CRIMINAL COURT

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes        No XX Do Not Know       

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes        No XX Do Not Know        NOT APPLICABLE

If YES, which claim(s)?       

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes        No XX

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes XX No       

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance? 77TH PRECINCT/COURT APPEARANCES TO LAWYER

1. Which claim(s) in this complaint did you grieve?       

ALL OF THEM

2. What was the result, if any?       

NO ONE ANSWERED OR RESPONDED, BUT CASE WAS EVENTUALLY

DISMISSED

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.       

DEFENSE LAWYER VERBALLY AT ALL

COURT APPEARANCES

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:       

BECAUSE I AM A LAYMAN TO THE LAW

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

when and how, and their response, if any: \_\_\_\_\_

DURING ALL COURT PPEARANCES I INFORMED THE JUSTICE  
OF THE KINGS COUNTY CRIMINAL COURT

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. \_\_\_\_\_

I WAS DISTRAUGHT BY BEING UNLAWFULLY IMPRISONED, AND IN FEAR  
OF MY LIFE FROM BEING IN THAT CELL IN THE PRECINCT IN SUCH  
INHUMANE CONDITIONS (FECES AND URINE).

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). PLAINTIFF SEEKS DAMAGES FROM ALL THE DEFENDANTS NAMED HERIN IN THEIR INDIVIDUAL, AND OFFICIAL CAPACITY IN PAIN AND SUFFERING FROM THE FALSE ARREST, AND UNLAWFUL IMPRISONMENT IN THE AMOUNT OF ONE(1) MILLION DOLLARS, PLAINTIFF SEEKS PUNITIVE DAMAGES TO PROTECT HIMSELF AND OTHER INNOCENT CITIZENS FROM FALSE ARRESTS BY THE 77TH PRECINCT, AND ANY OTHER PRECINCT IN THE FIVE(5) BOROUGHS IN THE AMOUNT OF ONE(1) MILLION DOLLARS, FINALLY PLAINTIFF SEEKS COMPENSATORY DAMAGES IN THE AMOUNT OF ONE(1) MILLION DOLLARS FOR A SUBTOTAL OF THREE(30) MILLION DOLLARS. PLAINTIFF ALSO REQUESTS THAT THIS COURT ORDER THE DEFENDANT POLICE COMMISSIONER RAYMOND KELLY TO ADOPT A POLICY THAT WHEN THESE OFFICERS OF THE NEW YORK CITY POLICE DEPARTMENT MAKE ARRESTS, THEY DO A THOROUGH PRIOR INVESTIGATION, AND GATHER EVIDENCE THAT STRONGLY SUGGESTS THAT SOMEONE OF COLOR HAS COMMITTED SAID CRIME, AND THAT THEIR MIRANDA RIGHTS ARE PROTECTED, AND RIGHT TO COUNSEL IS PROVIDED

VI. Previous lawsuits:

On these claims A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes        No XX

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff NOT APPLICABLE

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_  
NOT APPLICABLE

3. Docket or Index number                            

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit                            

6. Is the case still pending? Yes        No       

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

NOT APPLICABLE

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

On  
other  
claims

Yes        No X X

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

NOT APPLICABLE

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes        No       

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

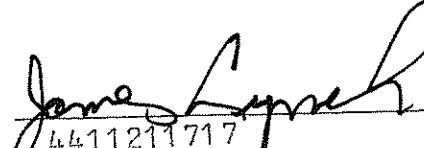
I declare under penalty of perjury that the foregoing is true and correct.

Signed this 24 JULY 13 day of                   , 20          .

Signature of Plaintiff

Inmate Number

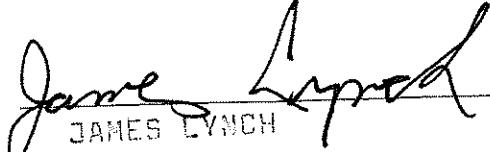
Institution Address

  
4411211717  
15-18 HAZEN ST, A.M.K.C.  
EAST ELMHURST, N.Y. 11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 24 day of JULY, 13, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

  
JAMES LYNCH